

**FINAL**



**WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
November 3, 2008**

**PRESENT:** TOM CLOW, CHAIRMAN; WENDY CLARK, VICE CHAIRMAN; HELEEN KURK, SELECTMAN; RICHARD W. BUTT, SELECTMAN; KEITH R. LACASSE, SELECTMAN

**TOWN ADMINISTRATOR:** Fred Ventresco

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Frank Campana, Evelyn Connor, Carl Knapp, Alex Lescatre, Paul Doscher, Steve Najjar, Terry Knowles, Betty Straw, Andy Fulton,

**7:10 p.m. Chairman Clow called the meeting to order.**

**DEPARTMENT HEAD** – Town Clerk, Ms. Evelyn Connor, reminded the public that tomorrow, November 4<sup>th</sup> is voting day. Ms. E. Connor asked that anyone that put up political signs be sure to remove them.

**MEETING MINUTES**

**Chairman Clow moved, Vice Chairman Clark seconded to approve the minutes of October 13, 2008 as amended. Passed 4-0-1**

**Chairman Clow moved, Selectman Kurk seconded to enter into non public session @ 7:35 p.m. pursuant to the authority granted in RSA 91-A:3, II (d). A roll call vote was taken, Selectman Butt – yes; Vice Chairman Clark – yes; Selectman Kurk – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Chairman Clow moved, Selectman Kurk seconded to come out of non public session @ 7:47 p.m. A roll call vote was taken, Selectman Butt – yes; Vice Chairman Clark – yes; Selectman Kurk – yes; Selectman Lacasse – yes; Chairman Clow – yes. Passed 5-0-0**

**Selectman Kurk moved, Chairman Clow seconded to seal and restrict the minutes of the non public session. Passed 5-0-0**

**Selectman Kurk moved, Selectman Lacasse seconded that the BOS authorize the Mildred Hall Committee to negotiate a sale price for the Savaria Property and come back to the BOS with the agreed price for the Board's approval. Passed 5-0-0**

**REQUEST FOR PERMISSION TO CROSS CLASS VI ROAD – MOUNTAIN ROAD AREA** – Mr. Alex Lescatre, owns a camp on class VI Mountain Road, told the Board he was stopped by Fish and Game while driving an ORV. Mr. Lescatre feels he should be able to access the area and would like written permission from the Board to utilize Mountain Road, Mountain Ridge Road and Ethan Road because all 3 roads are accessible to his camp. Selectman Kurk questions that if they give him permission to access these class VI roads how they stop other people. Mr. Lescatre said he owns the land and needs access. The stipulations on the usage of the camp is for year round use but cannot be occupied for more than 2 weeks at a time. Chairman Clow said they have been out in the area to review damage done by PSNH and said it looks like they are opening these roads

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and they don't want to, to ATV use. Selectman Butt commented that the area is open for hunting and he did not know there was a restriction as far as the possible need to use a vehicle to bring out what was hunted. Chairman Clow said Harry Brown, mentioned that it was illegal to drive ATVs on class VI roads. Mr. Carl Knapp said a class VI road is still a road and to travel on a class VI road a vehicle needs to be registered or have written permission from the Board of Selectman. Mr. Lescatre said he is asking for permission for all 3 roads because all 3 roads access his land. Chairman Clow said to gain permission for some of these roads requires permission from other towns.

Vice Chairman Clark said it was said that the BOS is trying to stop usage in that area, she is not in favor of stopping traffic in that area. Vice Chairman Clark said it is illegal to cross running water, like that on Mountain Road. Mr. Andy Fulton pointed out that even Paige Road crosses that brook that comes out of the bog, similar to Ferrin Brook. Mr. Steve Najjar said he would question the need for an ATV; anyone with a truck could access the area. Mr. Najjar said unless the Board is looking into opening class VI roads for ATV use then don't give special privileges to certain people. Mr. Najjar said if the Board does grant access for ATV use he suggests they just do so for Mountain Road. Selectman Kurk asked Mr. Lescatre if he could walk in. Mr. Lescatre said it depends on the amount of snow. Mr. Lescatre said he is allowed to be there and he wants to be able to access the area and feels he should be allowed access and the only way would be with an ORV. Selectman Butt said it appears according to the map that he wants to be able to access the entire area and feels they need to focus on only one access.

Chairman Clow said it is a fairly short distance from Mountain Road to the camp and he would move that they deny the request. Selectman Butt said the request is justifiable. Mrs. Donna Osborne said that in 2006 the Chairman and Trail Master of the ATV Club came to the Board and it was discussed that if you are on the ATV club then you can come to the Selectman and get permission to access class VI roads. Selectman Kurk said she would like to see the agreement and said the Board approved it but there was some controversy on what the stipulations were. Chairman Clow said they don't have the exact language from the ZBA to see what they are considering and the second piece is that people are stating there is an ordinance. Mr. Lescatre said the Conservation Commission requested that Fish and Game ticket ATVs using class VI roads and now he is going to court for trespassing. Mr. Lescatre said he was accessing his other piece of land. Mr. Fred Ventresco said the whole Conservation Commission has not looked into this. Selectman Butt asked if they looked at the Planning Boards restrictions. Mr. Ventresco said he did not. Selectman Kurk asked Mr. Ventresco to look in the BOS minutes for early 2006 or late 2005 to review.

Chairman Clow proposed that they table this conversation until they get further information from the Conservation Commission.

**Chairman Clow moved, Selectman Kurk seconded to table this discussion for 2 regular meetings. Passed 5-0-0**

**DISCUSSION OF THE BROWN AND HAWKES-WILSON CONSERVATION EASEMENTS** – Mr. Paul Doscher said he is not sure of the Selectman's status regarding the easement. Mr. Doscher said Charlie and Silva Brown, owners of the farm on East Street, came to the Forest Society and asked if they could work with them to obtain a conservation easement on their land. Mr. Doscher said early in the project they asked the town and Conservation Commission to help fund the project. \$150,000 was granted through the Russell Foundation, \$24,000 from Mildred Hall, and an additional \$4,000 from the Russell Foundation. The assessment on the property is \$490,000 and the Brown's are giving up \$125,000 of the value to get this easement granted. Mr. Doscher asked the Board if they want to have the conservation easement reviewed by town attorney. Mr. Doscher said this easement has to conform to the US Department of Agriculture to get the funding. Mr. Doscher said minor adjustments might be appropriate but not much needs to be done to the document. Mr. Andy Fulton reviewed it as well. Mr. Doscher told the BOS they have to decide whether they want to spend funds to have it

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reviewed by town counsel; it will not be inexpensive to have reviewed. Mr. Doscher said the primary holder of the easement is the Forest Society and the USA with the town being 3<sup>rd</sup> in line to be held responsible. Selectman Kurk commented on the town being third in line and asked what would happen if someone walked out there and decided the easement was broken. Mr. Doscher said the Forest Society is the enforcer, if their organization ceased to exist it would be transferred to the State of NH and be assigned to another charitable organization, if no other organization could be found the Department of Agriculture would be responsible. This easement provides the Town of Weare the authority to enforce a violation and the USA would be responsible for funding. Mr. Doscher said his organization has been around for 107 years and they monitor hundreds of easements and many municipalities use his organization to monitor easements.

Selectman Butt asked about the \$10,000 monitoring fee. Mr. Doscher said the average out the annual cost to monitor the easement and that is how they came up with the \$10,000 for the 68.19 acres. Selectman Butt said that the land is in current use and will stay in current use, but the land owner has rights to allow access. No motorized vehicles or snowmobiles are allowed. Mr. Doscher said their easements don't usually specify no motorized access, in this access the government did. There are provisions in the easement. Selectman Butt asked how much of the land is hutable. Mr. Doscher said the land has never been posted. Selectman Butt asked if it is connected to other conservation land or easements. Mr. Najjar said it connects to the highest private protection area in the town. If you want to walk the area you would park on East Street. Mr. Doscher said the landowner has always been open to people accessing their land.

Mr. Fulton said the easement does need to be signed by the BOS and mentioned that Mr. Doscher is here as the primary driver on the project and available for questions. Selectman Butt said he just received this information and has not had time to review. Mr. Fulton said the Board is not being asked to sign tonight. Vice Chairman Clark mentioned the section discussing signage and specifying the size of signs. Mr. Doscher said this is a separate easement and is a private restriction between the landowner and the holder of the easement. Selectman Lacasse asked if it was possible for the landowner to someday post the land for no public access. Mr. Doscher said there are restrictions within the easement and the land is an active farm for haying. Mr. Doscher said the future landowner could use the land for farming or agricultural use. Selectman Butt asked where the \$154,000 was coming from. Mr. Doscher said the Conservation Commission is putting in \$130,000 and the Russell Foundation is putting in \$24,000. Selectman Butt asked how much was in the Russell Fund. Mr. Fulton said the funding has been approved; he does not have the exact figure. Selectman Butt said the town's investment is \$134,000 and \$24,000 from the Russell Foundation.

Chairman Clow asked when they need signatures on the easement. Mr. Doscher said the project leader was not available tonight but feels the Brown's would like to have this completed for December for tax purposes. Mr. Fulton said last he heard was that they would close before the end of the year. Chairman Clow said as far as the document before them, it really is as it stands, unless it is a minor change it can't be changed, but normally these easements do go before the town attorney. Mr. Ventresco said it can't be changed but the town does not have to enter into the easement. Chairman Clow said the Board needs time to review it. The Board questioned whether they have funds in the legal line. Selectman Kurk said other easements only required the chairman signature. Mr. Doscher said it is probably something the US Department of Agriculture would like to have. Chairman Clow said the Board will review the easement in a timely manner. Mr. Ventresco said the attorney estimated \$500-\$1,000 fee to review the easement. Selectman Lacasse would like to take time to review to see if they can justify having the attorney read it. Selectman Butt said he thinks the attorney should review it; Vice Chairman Clark agrees. Selectman Kurk feels they will spend the \$500 and the attorney will say everything is fine; she would like to have a chance to read it. Chairman Clow said he would like to have the attorney review the easement.

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Mr. Najjar said they have easements for Shawn Hawkes (70 acres) and Rod Wilson (81 acres). Mr. Najjar said in 2006 the Open Space Committee did an outreach to anyone who owned over 20 acres; both Mr. Hawkes and Mr. Wilson were interested. They went through the usual procedures, had site walks and did appraisals. They agreed to purchase conservation easements for Mr. Hawkes for \$240,000 and Mr. Wilson for \$243,000. They would like to close on these easements by November 21 for tax purposes. It was discussed that the Wilson easement has a prohibition on timber harvesting and the Hawkes easement provides for commercial harvesting. Mr. Najjar said these parcels are next to the Melvin Valley which is very important. There is parking available at Bolton Field to access the property. Mr. Najjar said both properties have never been posted. Mr. Najjar said if you don't charge for access to your property then you don't have the liability. The easements do have reserved rights so that if access is out of hand then they can reserve the right to post the property and they would have to discuss the issue with the easement holder. Mr. Najjar said this is the first time the Conservation Commission is purchasing an easement. Selectman Butt said the easement does not mention hunting. Mr. Najjar said hunting is allowed. Chairman Clow asked if Mr. Najjar is just presenting this to them tonight for review. Mr. Najjar said they do have a tight timeline. The Conservation Commission is paying for the legal advice on these easements. Mr. Najjar told the Board if they have comments he would like to get comments into the PLC as soon as possible and he will ask that hunting be included. Mr. Najjar would like to try and close this by November 21 in the mean time it will go to Laura Spectrum for legal review and Title Pro for approval. The funding for the easements comes from the Conservation Commission and closing fees from the Mildred Hall Fund.

Mr. Najjar said Shawn Hawkes is closing on another piece of property in that area. There will be 2 easements with slight differences being restriction of harvesting use of limitations and prohibition of agriculture and forestry (Wilson) town cannot forest the land; the town does not own the land. The landowner said if a future owner was to purchase the land they cannot have a commercial timber harvest. Mr. Najjar said the Board would like to have hunting in the easement. Chairman Clow said the Conservation Commission is running the easements by the attorney. Selectman Butt said his primary concern is posting of the property, the town pays for the easement and he wants to make sure the public has access. Mr. Najjar said the primary objective is to protect the land and wildlife. Mr. Najjar feels it would be a bad thing to argue against posting rights. Selectman Butt said the ability to post the land from access would be a deal breaker for him. Vice Chairman Clark does not agree that if it was voted on and the taxpayers spent money on the purchase and were then blocked from access. Mr. Najjar said it was advertised as a conservation easement. Mr. Najjar said PLC will be the stewards to these easements and the property is reviewed annually. Selectman Kurk feels this could be tied back to PLC. Mr. Najjar asked if would be possible to get PLC, Mr. Wilson and Mr. Hawkes together. Chairman Clow said if they tried to get everyone together to review the wording on the easement it would be a nightmare. Selectman Kurk said if anyone has an issue after reviewing the easement to get their concerns to Mr. Najjar. Chairman Clow said if Board members have concerns to email them to Mr. Najjar and not to cc the Board for comments.

**DISCUSSION OF HIGHWAY GARAGE PLANS/VIDEO PRESENTATION** – Selectman Butt said Merry Rice tried to get the video but she could not locate it. Chairman Clow said Selectman Butt asked to put this on the agenda. Selectman Butt said he did not get a chance to discuss this with the Building Committee. Selectman Butt said they had a CIP meeting last week and the Highway Barn was not included. Mr. Knapp said when he left that meeting he thought information was going to get back to him as to whether funding was available. Mr. Ventresco said it was decided to expend the funds for a study. Mr. Ventresco said the question is how they are going to use the money. Selectman Kurk asked if it was on the CIP docket. Selectman Butt said it is not. Mr. Knapp said he submitted a request for \$100,000 more than last year. Selectman Butt said the Board needs to discuss it. Mr. Knapp said when he was at the CIP meeting there was a request made to expend funds for an architect. Mr. Knapp said he never heard the expenditure was approved. Mr. Ventresco said it was left open what the money was for; a new building or revamping what was currently there. Mr. Knapp said he was told by CIP to meet with an architect, he has done that and does not know if he can proceed forward. Mr. Knapp said

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the design of the building is up to the company who builds the building. Selectman Butt said it was discussed at CIP a conceptual drawing showing how it sits on the lot including bays should be done. He said the complaints he heard last year was that there was no detail or justification. Mr. Knapp disagrees. Selectman Butt said that is what he heard. Selectman Butt said he went to the trustees and they did agree to expend funds. Mr. Knapp did speak with architects and showed them what he had last year but he did not know he had funds. Chairman Clow said it seemed like they were dealing with preliminary sketches last year and they need to offer more to the public. Mr. Ventresco said it was open ended as to what they could use the funds for; some way to make the existing structure safe and good or focus on a new building. Selectman Butt said the money is available. They haven't discussed whether they are looking for a new building or expending funds to make the building safe.

Selectman Kurk asked if the wiring is now safe in the building. Mr. Knapp said only in the areas that the trucks are stored, but the roof still leaks. Vice Chairman Clark asked if they put \$4,000 into where the trucks are housed in the winter for electrical to plug into the trucks? Mr. Knapp said he did make sure that all the lighting and electrical outlets could be taken out and placed into a new building. Chairman Clow said they are discussing safety issues. Mr. Knapp said none of the wiring in the garage has been touched in the Highway Garage. Mr. Ventresco said the electrician thought the garages were the worst hazard. Mr. Knapp said he thinks the electrician chose where the trucks were because it was the easiest to do. Chairman Clow said regardless there has to be safety issues repaired in the current building. Mr. Knapp said they just did work to the furnace, because they need to be able to use it. Selectman Butt said regardless what they have for plans, they need to get the building safe. Chairman Clow said the electrical can be approved but they can't make the building taller to make movement in the building easier. Chairman Clow said they need to move ahead. Selectman Lacasse asked about the hiring of an architect to draw plans. Mr. Knapp said it will be more detailed, no electrical, no bathroom, just a scale drawing. It will cost \$5,000 for the plans. Selectman Lacasse misunderstands the need to expend funds on architect's plans. Mr. Knapp said to better sell it to the public. Vice Chairman Clark said they need a plan on what needs to be done to the current building to make it safe verse the new building. She said the public needs to see how much it would cost to repair the building verse to replace. Mr. Knapp said you cannot add to the current building and make it usable to what they need, it is already a building made up of additions. Selectman Butt said the discussion at the CIP is that they should not being trying to sell this or telling Mr. Knapp how to sell it; a formal presentation needs to be made.

Selectman Butt feels the Board needs to make a decision to spend money to market the project or to hold off. Selectman Butt feels they need to make a decision. Mr. Knapp said he cannot move forward without a direction and he does not have one. Chairman Clow said there are so many questions related to this; the problem with not having a safe place to pull the trucks in to for repair (bays) and the question on storage of vehicles (what happens if they stay outside would they lose money on the trucks because the trucks are outside and not plugged in). Mr. Knapp said over the long term the new building is the best way to go. Selectman Butt does not feel 100% comfortable offering this to the voters and said they need to have direction and other options. Chairman Clow said last year CIP/Planning Board approved recommendations for a new building. Selectman Butt said the only items they ever rejected were items that they did not have the information to push forward. Selectman Butt wants the Board to make a consensus for direction. Vice Chairman Clark asked if there is a way to fix the garage the way it is now with so many additions. Mr. Knapp said not to turn it into a building that they need. Selectman Kurk said they can move forward on a new building, but if the feeling is that the voters won't approve it because the way the economy is they need to have a contingency plan. It was mentioned that another option is continue losing money on the trucks and fix the things that need to be fixed for the safety of the employees. Selectman Lacasse asked what the harm would be in putting it on the ballot. Selectman Butt said the hesitation is what they would do to the building if it fails.

Mr. Knapp said it is the wear and tear on the trucks because they have sophisticated hydraulic pumps (which are expensive). Chairman Clow asked if other town's park their trucks outside. Mr. Knapp named many towns that

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house their trucks inside. Vice Chairman Clark said the priority is the safety of the employees and asked what if they build the portion of the building to house the vehicles. Chairman Clow said a lot of the criteria they put on the ballot last year still exists now. Chairman Clow would like to put this before the voters and let them decide. Selectman Butt commented on being able to utilize the grant fund. Chairman Clow said if they show the public a simple line drawing and tell them it is going to cost \$900,000; he is not sure they will get a positive reaction. The plan needs to reflect thought and that an investment was made to show the public what is needed. Selectman Butt said they do need to focus on the safety issues before March. Selectman Butt asked for a consensus for direction. Selectman Kurk said to get someone qualified to say this is what safety issues need to be concerned and this is what a new building would cost. Chairman Clow said he does not think they need to have someone in to tell them what is needed. Chairman Clow said they should move ahead for plans for a new building and provide plans to the public. It was mentioned that they should possibly look for another electrician. Selectman Kurk said there are people who came to look at the building and never came back.

Chairman Clow said the 2009 budget they need to make sure there are funds in the maintenance fund. Selectman Lacasse asked about the study and said he thinks paying for someone to create a drawing would not give the voters a clear idea. Mr. Knapp said the building would be very straight forward. Selectman Lacasse asked about the process that the Safety Complex utilized. Selectman Butt said they used a 3 dimensional drawing to help sell the building. Selectman Lacasse thinks as a voter deciding if they would support this project it would depend on how much will it cost and what the cost savings of a new building would be. Selectman Kurk said they need to do more for PR to help people understand where there money goes. Chairman Clow said they need to show how it will fit the land and what the building would look like. Mr. Knapp will be getting rough drafts. The Board agrees to move forward on this being a warrant article. Chairman Clow said they would move along as rapidly as they can to get the safety issues eliminated. Mr. Knapp can get an estimate from the architect on Thursday.

## MANIFESTS

**Chairman Clow moved, Selectman Kurk seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer or Deputy Treasurer to sign checks dated November 6, 2008. Passed 4-0-1**

Accounts payable	<b>\$437,358.17</b>	(Weare School \$350,000)
Gross Payrolls	<b><u>\$42,007.78</u></b>	(includes Spec Detail, Credit Union, Taxes)
Total	<b>\$479,365.95</b>	

Vice Chairman Clark said she had 3 issues with checks, #45195 for \$27.00 reimbursement for food, where is money coming from to pay Interclaims, #45220 for \$8,098.89 does not know what it is for and asked for history.

Selectman Butt asked for a balance for the phone \_\_\_\_\_. Mr. Ventresco said this fund is guided by certain rules with the funds coming from the drug forfeiture fund.

## MEETING MINUTES

**Chairman Clow moved, Selectman Kurk seconded to approve the minutes of October 22, 2008 as amended. Passed 4-0-1**

**Chairman Clow moved, Selectman Kurk seconded to approve the minutes of October 27, 2008 as printed. Passed 3-0-2**

**APPOINTMENTS TO AGRICULTURAL COMMISSION** – The Board discussed they have a policy to have volunteers come in before the Board.

**2008 BUDGET DISCUSSION** – Mr. Ventresco said he is watching the balance printout after every Manifest. Chairman Clow said in looking at the figures given to them by Mr. Ventresco it seems that Bradford went

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before DRA and found the process easier than they thought. Chairman Clow said the criteria did seem quite as extreme as they believed it to be. Chairman Clow mentioned the issue with the Police Department. Mr. Ventresco said he felt that DRA seemed more open than in the beginning of the year and more open to understanding the safety issues with the Police Department. Chairman Clow asked what would happen if they had an emergency. Selectman Lacasse asked how long it takes to get DRA approval. Chairman Clow asked Mr. Ventresco if this will get in the way of setting the tax rate. Mr. Ventresco said they should clarify the issue with DRA before setting the tax rate. Mr. Ventresco said they will have to hold a public hearing. Selectman Butt commented on the overtime for a certain department being over \$4,000 for the week. Mr. Ventresco said they received a reimbursement for \$300,000 from the Abijah Bridge project; which helps the cash flow. Selectman Butt feels they should go through the effort with DRA. Mr. Ventresco said he will estimate what they owe for the next 2 months with the focus on the Police Department.

**Chairman Clow moved, Vice Chairman Clark seconded to petition DRA to give them the ability to expend from the Undesignated Fund Balance for an emergency expenditure of up to \$50,000. Passed 3-2-0**

Mr. Ventresco will contact DRA. Selectman Lacasse said they should wait to see if there are any storms because Mr. Knapp said he has enough salt for 8 trips out. Selectman Butt said they don't need to expend the funds unless they need them.

**POLICY BUYOUT REQUEST** – Mr. Ventresco said the Union is asking for a direction from the Board on how they prepare to fund these requests for buy outs. Mr. Ventresco said back in 2002-2003 2 employees did not get the appropriate money back for their buy outs. Mr. Ventresco said the best way to handle this is to put it in the line for buyouts and then it goes into the default as well. Selectman Kurk said these employees were hired in 2003 and questioned the dates. Mr. Ventresco said these employees need to know where the Board is going and would like their reimbursements by January.

**Chairman Clow moved, Selectman Kurk seconded to instruct Mr. Ventresco to inform the 2 employees involved that it is the Board's intention to pay them these funds for the buyout after the 1<sup>st</sup> of the year. Passed 5-0-0**

**CORRESPONDENCE** – Mr. Ventresco reminded the Board there was a volunteer who wanted to perform repairs to Toby Hill Road; which is a class VI road. The Board agrees to move forward.

Mr. Ventresco said the town received a 5% discount because they got a multi year contract with Primex; which will be reflected in the budget.

Mr. Ventresco reminded the Board they need to set up a time table about discussing the budget.

**Motion to adjourn at 11:02 p.m.**

## ADJOURNMENT

A True Record.

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Cherry Palmisano, Recording Secretary